UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,009	11/29/2000	Leland James Wiesehuegel	AUS9-2000-0738-US1	9657

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EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *3/13/09*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *13 and 15-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *13 and 15-31* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 13, 15-31 remained pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 13, 15-31, are rejected under 35 U.S.C. 102(e) as being anticipated by

Goldberg et al (Hereinafter Goldberg U. S. Patent 6, 985, 885).

As per claim 13, Goldberg discloses a sealed bid sales offering system comprising:
a bid database in a network computer arrangement containing collected bids, said collected bids
each having an associated seal status indication field for indicating whether each bid is a sealed
bid or is an unsealed bid (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines
42-67) a database query server querying said bid database for unsealed bids which match
parameters of a Broker Profile Matrix associated with a trader console, said trader console
comprising an intermediary third party user console communicably disposed between a bidder
user console and broker user console, said trader console operating to buy products or services
from said broker user console, and operating to resell said bought products and services to said
bidder user console(see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67)
a bid transferor responsive to finding matching unsealed bids for said trader console delivering
said matching unsealed bids to said trader a trader's console, and preventing further configured to
prevent delivery of sealed bids to said trader a console and a display on said trader console of
said a trader's console configured to receive and display said delivered matching unsealed bids to
a trader console user (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-
67).

As per claim 15, Goldberg discloses wherein said database query server comprises an
Internet server(see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 16, Goldberg discloses wherein said database query server comprises a Hyper
Text Transfer Protocol (HTTP) server (see column 5 lines 54-67 and column 6 lines 1-9 and
column 2 lines 42-67).

As per claim 17, Goldberg discloses wherein said trader console comprises a computers
which are web browser (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-
67).

As per claim 18, Goldberg discloses wherein said database query server retrieves unsealed
bids from said bid database which meet criteria including a trader's location code (see column 5
lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 19, Goldberg discloses wherein said database query server -retrieves unsealed
bids from said bid database which meet criteria including a match with a trader's goods category
code (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 20, Goldberg discloses further comprising a restricted access administrator console communicative with said bid database converting sealed bids to unsealed bids (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 21, Goldberg discloses further comprising a system clock or timer determining which seals of sealed bids have expired as a criteria for retrieving unsealed bids (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 22, Goldberg discloses a sealed bid sales offering method comprising: providing collected bids in a bid database in a network computer arrangement, said collected bids each having an associated seal status indication field for indicating whether each bid is a sealed bid or is an unsealed bid (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67) querying by a database query server said bid database for unsealed bids which match parameters of a Broker Profile Matrix associated with a trader console, said trader console comprising an intermediary third party user console communicably disposed between a bidder user console and broker user console; operating by said trader console to buy products or services from said broker user console; operating by said trader to resell said bought products and services to said bidder user console (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67) responsive to finding matching unsealed bids for said trader console, delivering by a bid transferor said matching unsealed bids to said trader console wherein delivery of delivery of sealed bids to said trader console is prevented and displaying on said trader console said delivered matching unsealed bids to a trader console user (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 23, Goldberg discloses wherein said querying comprises a Hyper Text Transfer Protocol (HTTP) query (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 24, Goldberg discloses further comprising providing a web browser trader console (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 25, Goldberg discloses wherein said querying comprises retrieving unsealed bids from said bid database which meet criteria including a trader's location code (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 26, Goldberg discloses wherein said querying comprises retrieving unsealed

bids from said bid database which meet criteria including a match with a trader's goods category code (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 27, Goldberg discloses further comprising providing a restricted access administrator console communicative with said bid database, and converting sealed bids to unsealed bids by said administrator console (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 28, Goldberg discloses further comprising using a system clock or timer to determine which seals of sealed bids have expired as a criteria for retrieving unsealed bids (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 29, Goldberg discloses a computer readable memory comprising: a computer readable memory suitable for encoding computer programs; and one or more computer programs encoded by said computer readable memory and configured to:
provide collected bids in a bid database in a network computer arrangement, said collected bids each having an associated seal status indication field for indicating whether each bid is a sealed bid or is an unsealed bid (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67) query by a database query server said bid database for unsealed bids which match parameters of a Broker Profile Matrix associated with a trader console, said trader console comprising an intermediary third party user console communicably disposed between a bidder user console and broker user console(see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67) operate by said trader console to buy products or services from said broker user console; operating by said trader to resell said bought products and services to said bidder user console (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67) responsive to finding matching unsealed bids for said trader console, deliver by a bid transferor said matching unsealed bids to said trader console wherein delivery of delivery of sealed bids to said trader console is prevented and display on said trader console said delivered matching unsealed bids to a trader console user (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 30, Goldberg discloses wherein said querying comprises retrieving unsealed bids from said bid database which meet criteria including a trader's location code (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

As per claim 31, Goldberg discloses wherein said querying comprises retrieving unsealed bids from said bid database which meet criteria including a match with a trader's goods category code (see column 5 lines 54-67 and column 6 lines 1-9 and column 2 lines 42-67).

Conclusion
RESPONSE TO ARGUMENTS

4. response to argument's filed 3/13/09 has been fully considered but they are moot in view of new grounds of rejections.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

CG

May 15, 2009